



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
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CHICAGO, IL 60604-3590

JAN 21 2003

REPLY TO THE ATTENTION OF:
R 19J

Honorable John D. Dingell
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Dingell:

Thank you for your letter of January 14, 2003, and your phone call of January 9, which expressed your concerns about the public hearing held in your district on January 8, 2003, on the U.S. Environmental Protection Agency's (EPA) proposed approval of the Environmental Disposal Services (EDS) land ban petition.

I share your desire that your constituents be heard and that their concerns be taken seriously. I want to assure you that the EPA and Region 5 take community input very seriously and are fully committed to providing the public with opportunities to comment on our proposed actions. These comments are given full consideration and addressed before any final decision is made.

In addressing your specific concerns, I would like to apologize for any distress caused you or Ms. Lauri Elbing of your staff because of the failure to call her to present your statement at the beginning of the hearing, and our verbal reminder of the three-minute reference mark during her presentation. Any discourtesy was entirely unintentional and resulted from some confusion due to the large number of people who signed up to comment. Due to the large number of people who wished to speak, the meeting facilitator announced that oral comments would be limited to three minutes. The meeting moderator told me that no one was prevented from concluding their remarks, although many speakers exceeded the three-minute mark.

Following our conversation, I met with my staff to discuss specific steps we will take to ensure that this does not happen again. At future meetings/hearings we will have a separate sign-in sheet for elected officials and their representatives, where they can indicate if they want to make a statement. My congressional liaison staff will call Congressional offices before any major meeting to determine if a Member of Congress or their staff will be present and want to make a statement. We are committed to ensuring that Members have a full opportunity to speak.

As part of our extensive community relations efforts, U.S. EPA uses a number of methods for notifying the public of our actions. In this case, we placed paid notices in the Romulus Roman and News Herald newspapers to announce the public hearing 30 days before the hearing, which is the time-frame required by regulation. Region 5 staff had consulted with both the Taylor and Romulus Mayors' offices, which recommended using the local newspapers, as had been done for previous meetings. In addition, Region 5 issued two news releases to notify both local and Detroit

media about the proposed decision and the public hearing. We also sent notification to approximately 1000 Michigan residents in a separate mailing that included a cover letter announcing the date, time and location of the event, a fact sheet, and a copy of the newspaper announcement. As a result of these outreach efforts, nearly 400 people attended the public hearing. This was a far greater number than attended any previous meetings on this issue.

Unfortunately, as your letter states, the complete draft determination and fact sheet were not available for review at the repositories prior to the public hearing. As a result of this issue being raised at the hearing, Region 5 staff made a visit to each library the following day and confirmed that the material was not available. We apologize for this error and are amending our meeting checklist to add a follow-up contact with designated repositories, to avoid this type of problem in the future. Copies of the draft determination and fact sheet were sent via Federal Express to the Romulus Public Library, the Taylor Community Library, and the Henry Ford Community College library on January 14, 2003. We have confirmed that these materials are now available to the public for their review.

I am troubled to hear that several citizens complained that a U.S. EPA staffer was inattentive during the hearing. I have been advised by Region 5 staff who attended that the staff member in question in fact was listening attentively, with concentration, to all the comments being offered. It distresses me that members of the audience misinterpreted concentration for something else and concluded that we are not interested in their concerns about the proposed EDS injection wells. This is absolutely not the case.

I assure you that your constituents' views have been and are continuing to be analyzed. Region 5 staff has performed an exhaustive technical review of the land disposal restriction exemption application for the EDS injection wells. They have spent 3 years reviewing all available data, computer modeling, and geological information, with the help of outside reviewers at the University of California at Berkeley and the United States Geological Survey.

In response to your request that another public hearing be held, I have directed my staff to schedule a second public hearing and extend the public comment period. They will be in contact with Katie Murtha of your office to select a mutually acceptable date during your April district work period.

Again, thank you for sharing your concerns with me on this issue.

Very Truly Yours,



Thomas V. Skinner
Regional Administrator